

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

Claims 1-7 were previously pending in the application. Claim 2 is canceled and new claims 8-14 are added. Therefore, claims 1 and 3-14 are presented for consideration.

Claims 1-7 were rejected under 35 USC 103(a) as being unpatentable over ODA JP 2001-276555. That rejection is respectfully traversed.

Claim 1 is amended to include the subject matter of claim 2 and recites that the separation membrane covers an entire surface of the cathode electrode. See, for example, Figure 1 of the present application wherein separation membrane 330 covers an entire surface of cathode electrode 108.

In contrast, the separation membrane offered in the Official Action (element 52) is a membrane module that is connected to the fuel cell 53 by a line 9, 10. See, for example, Figure 4 of ODA.

ODA does not disclose that the separation membrane covers an entire surface of the cathode electrode as recited. As each of the recited features is not disclosed or suggested by the reference, such features would not have been obvious to one of ordinary skill in the art.

The dependent claims are believed to be patentable at least for depending from an allowable independent claim.

New independent claim 8 is added. Claim 8 includes a separator spaced apart by a space from the separation membrane and a passage for feeding air to the cathode electrode formed in the space between the separation membrane and the separator. Claim 8 further recites that the separation membrane is formed as a layer on the cathode electrode. The analysis above regarding claim 1 is equally applicable to claim 8. Support for claim 8 can be found in original claims 1 and 2 and Figure 1. New claims 9-13 correspond to original claims 3-7.

New independent claim 14 recites a separation membrane overlying and in direct contact with the cathode electrode and a passage overlying the separation membrane for feeding air to the cathode electrode so that the separation membrane is between the cathode electrode and the passage. The analysis above regarding claim 1 is equally applicable to claim 14.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Liam McDowell/  
Liam McDowell, Reg. No. 44,231  
209 Madison Street, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

LM/lrs